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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

87209 JDP

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Signature _____

Typed or printed name _____

Application Number

10/748,935

Filed

12/30/2003

First Named Inventor

Aaron T. Deever

Art Unit

2624

Examiner

Kozio, Stephen R.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

- ☐ applicant/inventor.
- ☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒ attorney or agent of record.
Registration number 52,118

☐ attorney or agent acting under 37 CFR 1.34.
Registration number if acting under 37 CFR 1.34 _____


Signature
Justin D. Petruzzelli
Typed or printed name

585-726-7522
Telephone number

December 20, 2007
Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Aaron T. Deever

IMAGE COMPRESSION
UTILIZING DISCARDING OF
BITPLANES

Serial No. 10/748,935

Filed 30 December 2003

Group Art Unit: 2624

Examiner: Stephen R. Koziol

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PRE-APPEAL BRIEF REMARKS

This application has been reviewed in light of the final Office Action dated August 22, 2007. Claims 1-23 are pending, with Claims 1, 16 and 17 in independent form. Favorable reconsideration is respectfully requested.

Claims 1, 3, 9-10, 16-17, and 19-22 stand rejected under 35 U.S.C. §102(e) as allegedly anticipated over U.S. Patent No. 6,668,090 (Joshi et al.). Claims 2, 4-8, 11-15, 18, and 23 stand rejected under 35 U.S.C. §103(a) as allegedly unpatentable over U.S. Patent No. 6,668,090 (Joshi et al.). Applicant respectfully submits that the claims are patentable over the rejecting reference for at least the following reasons.

In Applicant's response dated August 3, 2007, Applicant pointed out that Independent Claim 1 requires, among other things, "assigning each said codeblocks one of said image types", "each said image type having a preassigned one of a plurality of quantization step-size sets." Applicant stated that the Joshi et al. Patent is not understood to teach or suggest a linking between (a) codeblock and image type, and (b) image type and quantization step-size set, as required by Claim 1. Applicant reasoned that:

“In fact, the Joshi et al. Patent appears not to discuss image type at all in this regard. For example, the Joshi et al. Patent states that ‘[e]ach codeblock is compressed by the codeblock compression unit (206) using the appropriate quantizer step-size (209) ...’ Col. 5, lines 27-29. However, the Joshi et al. Patent has not been found to teach or suggest that its ‘appropriate quantizer step-size’ is selected based on an image type assigned to the respective codeblock, as required by Claim 1.”

The final Office Action dated August 22, 2007 disagreed with Applicant and alleged that the Joshi et al. Patent:

“teaches and certainly suggests in col. 5 ln. 12-55 (a) a link between codeblock and image type (see fig 2 items 204-211, also col. 5, ln. 31-42, where criteria such as visual quality levels and viewing condition parameters link each codeblock with its desired image type) and (b) image type and quantization step-size set (see fig. 2 items, also, col. 5, ln. 27-42, where for each codeblock, an ‘appropriate quantizer step is chosen (col. 5, ln 29)’ which is based on the image type criteria associated with each codeblock (col. 5, ln. 31-42).” See pages 8-9 of the Final Office Action.

In this regard, Applicant respectfully submits that the Examiner has unfairly interpreted the Joshi et al. Patent. In particular, the Office Action refers to visual quality levels and viewing condition parameters, which the Joshi et al. Patent describes as pertaining to its step 212. See FIG. 2 (showing “visual quality table (210)” and “viewing condition parameters (211)” being input into step 212). On the other hand, the Office Action refers to the Joshi et al. Patent’s use of an ‘appropriate quantizer step-size (209)’ during its step 206. See Col. 5, lines 27-30. The Office Action then implies (without support from the Joshi et al. Patent) that the ‘appropriate quantizer step-size’ used in step 206 is based on the visual quality levels and viewing condition parameters later used in step 212. See page 9 of the Office Action (stating that “where for each codeblock, an appropriate quantizer size is chosen’ (col. 5, ln. 29) which is based on the image type criteria associated with each codeblock (col. 5, ln. 31-42).”).

This implication (pg. 9, lines 1-5 of the Office Action) has not been found to be supported by the Joshi et al. Patent. **In particular, Applicant has not**

found any teaching or suggestion in the Joshi et al. Patent that the visual quality table 210 and/or viewing condition parameters 211, used in step 212, have anything to do with step 206's using of an "appropriate quantizer step-size (209)". Accordingly, Applicant respectfully submits that the Office Action has not shown that the Joshi et al. Patent teaches or suggests at least Claim 1's requirements of "each said image type having a preassigned one of a plurality of quantization step-size sets" and "assigning each said codeblocks one of said image types and a corresponding quantization step-size set".

Further, the Office Action appears to have read the word "chosen" into step 206 of the Joshi et al. Patent. See page 9, line 3 of the Office Action ("an 'appropriate quantizer step size is chosen (col. 5, ln. 29)'""). However, col. 5, line 29 actually states "using the appropriate quantizer step-size (209)". Accordingly, there does not appear to be any choosing of an appropriate quantizer step-size for codeblocks in step 206 based on a codeblock's image type, as suggested by the Office Action. Applicant tried to make this point in his previous response dated August 3, 2007 when he stated that "the Joshi et al. Patent has not been found to teach or suggest that its 'appropriate quantizer step-size' is selected based on an image type assigned to the respective codeblock, as required by Claim 1." The mere statement that an "appropriate quantizer step-size" is used does not mean that each codeblock is assigned an image type and a corresponding quantization step-size set, as required by Claim 1.

The Advisory Action mailed November 14, 2007 does not address any of Applicant's above-remarks.

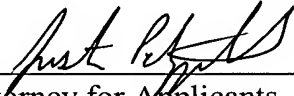
None of the other rejecting references are cited as teaching or suggesting the above-discussed features of Claim 1. For at least these reasons, Applicant respectfully submits that Claim 1 is patentable.

Independent Claims 16 and 17 include the same or similar features as those discussed above in connection with Claim 1 and, therefore, are submitted to be patentable for at least the same reasons.

The other claims in this application depend from one of the independent claims discussed above and, therefore, also are submitted to be patentable for at least the same reasons.

In view of the foregoing remarks, Applicant respectfully requests favorable reconsideration and the allowance of the present application.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.